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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/841,328	04/23/2001	Graig William Sorensen	550,632	5990

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EXAMINER

AU, GARY

ART UNIT PAPER NUMBER

2611

DATE MAILED: 10/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/841,328	<b>Applicant(s)</b> SORENSEN, GRAIG WILLIAM	
	<b>Examiner</b> Gary Au	<b>Art Unit</b> 2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

*CP*

## DETAILED ACTION

### *Specification*

1. The disclosure is objected to because of the following informalities:

The related application number on page 1 of the specification is missing.

Appropriate correction is required.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over US patent No. 6,449,739 (Landan) in view of US Patent No. 6,449,653 Klemets et al. (Klemets).

4. Considering claims 1 and 9, Landan teaches an electronic storage media, readable by a computer, which stores a program that directs a computer to perform a method of testing a server for a system (transactional server 30 – figure 1, col. 5 lines 2-11); said method including the steps of:

displaying, on a visual monitor connected to a computer (controller 34 – figure 1, col. 5 lines 40-44), a set of buttons for selecting one of several simulated control

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terminals on said system and for selecting one of several commands (figure 5 and 7, col. 10 lines 1-6, 57-67);

choosing one particular simulated control terminal and one particular command by pointing a cursor and clicking, via a mouse, on particular buttons that are displayed (col. 6 lines 3-20);

generating output signals, from said computer in response to said choosing step, which represent said particular simulated control terminal (col. 5 lines 58-64); and,

coupling said output signals to said server for processing therein (col. 5 lines 58-64).

Landan does not teach the server is a video server, the system is a video-on-demand system, and the commands are VCR-like commands.

In an analogous art, Klemets teaches a video-on-demand system with a video server (having VCR-like commands – figures 2 and 6, col. 4 lines 36-54, col. 9 lines 8-17), for the benefit of receiving user requested video over which the user has the full control of playback.

It would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the method disclosed by Landan to include the server is a video server, and the system is a video-on-demand system with VCR commands as taught by Klemets, for the advantage of receiving user requested video over which the user has the full control of playback such as pause, rewind, and fast forward.

Considering claims 2 and 10, Landan and Klemets teach the method and electronic storage media of claims 1 and 9 wherein said choosing step includes a first substep of choosing said one particular simulated control terminal (Landan – figure 5, col. 10 lines 1-6), followed by a second substep of choosing said one particular VCR-like command (Klemets – figure 6, col. 9 lines 8-17); and wherein, said generating step occurs automatically in response to said second substep (Landan - col. 10 lines 57-61).

Considering claims 3 and 11, Landan and Klemets teach a method and electronic storage media of claims 2 and 10 and further including the step of incorporating additional VCR-like commands, from said one particular simulated control terminal, into said output signals from said computer by repeating said second substep without said first substep, once for each additional command (Klemets – col. 9 lines 8-17).

Considering claim 4, Landan and Klemets teach a method according to claim 3 said first substep is performed by clicking via said mouse on buttons which sequentially change an identifier, on said monitor, for all of said simulated control terminals until said one particular simulated control terminal is identified (Landan - col. 10 lines 1-6).

Considering claim 5, Landan and Klemets teach a method of claim 1 wherein said output signals are passed, by said coupling step, directly to said video server

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(Landan - col. 5 lines 58-64 and video server is disclosed by Klemets, Klemets – col. 4 lines 36-54).

Considering claim 6, Landan and Klemets teach a method according to claim 1 wherein said output signals are passed, by said coupling step, through a signal transformer which performs predetermined transformation on said output signals and sends the results to said video server (this is an inherent step as output signal is passed from a first computer to a second computer must first be formatted into a transmission protocol, Landan, col. 4 lines 53-62 and video server is disclosed by Klemets, Klemets – col. 4 lines 36-54).

Considering claim 7, Landan and Klemets teach a method according to claim 1 wherein said displaying step displays buttons on said monitor for choosing a movie (Klemets, col. 7 lines 28-37) as well as playing, pausing, skipping forward, skipping backwards, stopping (Klemets – figure 6, col. 9 lines 8-17) and unloading the selected movie (Klemets – figure 6, user clicks on the upper right corner close button).

5. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over US patent No. 6,449,739 (Landan) and US Patent No. 6,449,653 Klemets et al. (Klemets) as applied to claim 1 above, and further in view of US Patent No. 5,812,780 Chen et al. (Chen).

Considering claim 8, Landan and Klemets teach a method according to claim 1 wherein said displaying step displays buttons on said monitor for choosing said one particular simulated control terminal from a set of simulated control terminals but failed to disclose at least one-hundred simulated control terminals.

In an analogous art, Chen displays buttons on said monitor for choosing said one particular simulated control terminal from a set of at least one-hundred simulated control terminals (figure 4, col. 9 lines 19-25), for the benefit of testing and/or serving a large quantity of users.

It would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the combination system of Landan and Klemets to display buttons on said monitor for choosing said one particular simulated control terminal from a set of at least one-hundred simulated control terminals, as taught by Chen, for the advantage of testing and/or serving a large quantity of users.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patent No. 5,790,794 (DaLac et al.) teaches an apparatus for storing and playing videos. US Patent No. 5,963,202 (Polish) teaches the video distribution network system includes client configuration data, a client video buffer for storing video information, a client video driver coupled to the client video buffer for presenting a

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portion of the video information on a display device. US Patent No. 6,687,748 (Zhang et al.) teaches a network management server manages multiple network devices coupled to a communication network. US Patent Application Publication 2003/0093801 (Lin et al.) teaches methods and systems for providing a video stream from a server to a client over a network include a memory for storing a forward-encoded bit-stream and a reverse-encoded bit-stream for a video data.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary Au whose telephone number is (571) 272-2822. The examiner can normally be reached on 8am-4pm Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on (571) 272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

GA

  
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